

APPEAL FROM ORDER NO. 40 OF 1986.

Date of decision: 19.8.1997

For approval and signature

The Honourable Mr. Justice M. S. Shah

Mr. P.J. Yagnik for the appellants.

None present for respondents.

1. Whether Reporters of Local Papers may be allowed to see the judgment? No
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of judgment? No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder? No
5. Whether it is to be circulated to the Civil Judge? No

Coram: M. S. Shah, J.

August 19, 1997.

Oral judgment:

This appeal is directed against the order dated January 31, 1986 passed by the City Civil Court, Ahmedabad, below notice of motion, Ex.7, in Civil Suit No. 497 of 1986.

The appellants/plaintiffs had taken out the notice of motion for obtaining temporary injunction against defendant No.4- J. K. Synthetics Limited, from transferring the shares in question from the names of the

appellants/plaintiffs to the names of respondents/defendants No.2 and 3 till the final disposal of the suit.

After admitting the appeal, this Court had granted ad-interim relief to the effect that respondent No.4, that is, J.K. Synthetics Limited, shall not affect the transfer of the shares in question in the names of respondents No.2 and 3 till further orders. The said ad-interim injunction is operating since February 3, 1986.

When the matter is called out today, Mr. P.J. Yagnik has appeared for the appellants but none appears for respondent Nos.1 to 4 though served.

The ad-interim injunction against transfer of shares is continued from February 3, 1986 onwards. In this view of the matter and also in view of the fact that the suit is pending since 1986, it would be just and proper to continue the ad-interim injunction dated February 3, 1986 as interim injunction till the disposal of the suit and to direct the trial court to hear and decide the suit latest by March 31, 1998.

The appeal is accordingly allowed. The ad-interim injunction dated February 3, 1986 granted by this Court on Civil Application No. 414 of 1986 shall continue as interim relief till the disposal of Civil Suit No. 497 of 1986. The trial Court is directed to hear and dispose of Civil Suit No. 497 of 1986 on or before 31.3.1998. Appeal is disposed of accordingly with no order as to costs.